



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Miscellaneous Appeal No. 4829/2025
URN: CMA / 8278U / 2025

Anil Kumar Saxena S/o Mangli Prasad Saxena, Aged About 68 Years,
R/o 30A, Who Colony, Ambabadi, Jaipur (Raj.)

----Appellant

Versus

1. Damini Tikkiwal D/o Dilip Tikkiwal, Aged About 48 Years, R/o C-507, Siddharth Nagar, Airport, Jaipur
2. M/s Millenium Cargo Movers Llp, A Limited Liability Partnership, Having Its Registered Address At 50 A (South Side), Sumer Nagar Extension, Q-Block, Mansarovar, Jaipur (Raj.) Through Designated Partner Damini Tikkiwal
3. The Branch Manager, IDBI Bank, Tonk Road Branch, Shop No.2 And 3, Sunny Paradise, Tonk Road, Near Kamala And Company, New Light Colony, Gopal Pura Mode, Jaipur, Rajasthan-302015

----Respondents

For Appellant(s)	:	Mr. Swadeep Singh Hora with Mr. Anuj Jain & Mr. Arpit Gupta
For Respondent(s)	:	Mr. Gunjan Pathak with Mr. Aditya Bohra, Mr. Kanishk Singhal & Mr. Priyanshi Roongta

HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE SANDEEP TANEJA
Order (Oral)

30/06/2026

Per: Arun Monga, J

1. Appeal in hand is directed against an order dated 16.10.2025 passed by the learned Commercial Court No.1, Jaipur Metropolitan-II, whereby a second application filed by respondent No.1 seeking interim relief under Section 9 of the Arbitration and Conciliation Act, 1996 was allowed.
2. The brief relevant facts, as set out in the appeal, are that the appellant and respondent No.1 are equal partners, each holding a 50% share in respondent No.2 firm, M/s Millenium Cargo Movers LLP, constituted under the LLP Agreement dated 11.04.2016. The firm

conducts its business operations through bank accounts maintained with respondent No.3, IDBI Bank, Tonk Road Branch.

2.1 By a Board Resolution dated 28.12.2023, it was resolved that the said bank accounts would henceforth be operated under the joint signature of respondent No.1. This resolution was communicated to respondent No.3 Bank along with updated signature cards, and that position is stated to be admitted.

2.2 The appellant alleges that in March 2024, respondent No.1, intending to exclude him from the firm, procured his resignation through forged documents, viz., a resignation letter, Form No.13, and an agreement dated 30/31.03.2024. These acts are said to form part of an alleged larger conspiracy, which led to the registration of FIR No.536/2024 on 18.05.2024. The police report dated 30.07.2024 disclosed prima facie offences under Sections 420, 406, 467, 468, 471 and 120-B IPC against respondent No.1 and others.

2.3 Following these events, the appellant instructed respondent No.3 Bank to freeze the accounts of respondent No.2 firm, and the accounts were accordingly frozen. The appellant also wrote to the Registrar of Companies, Jaipur on 20.05.2024, requesting that the allegedly forged resignation documents not be acted upon for updating the firm's records.

2.4 Respondent No.1 thereafter filed a petition under Section 9 of the Act before the Commercial Court No.1, Jaipur Metro-II, seeking a direction to the appellant to withdraw the instructions freezing the accounts. That petition was dismissed by order dated 21.12.2024. The dismissal was challenged before this Court in D.B. Civil Misc. Appeal No.566/2025, which was withdrawn on 18.03.2025 with limited liberty to file a fresh application confined to the adjustment of the loan taken from respondent No.3 Bank.

2.5 Pursuant to that liberty, respondent No.1 filed a fresh petition under Section 9 of the Act. According to the appellant, this second petition sought reliefs beyond the scope of the liberty granted, and it culminated in the impugned order by which the accounts were de-frozen with no restrictions on the use of the funds.

2.6 Hence, the present appeal.

3. Against this backdrop, we have heard the rival contentions. Learned counsel for the appellant lays considerable emphasis on the submission that the second Section 9 application was not maintainable, given the dismissal of the earlier similar application by order dated 21.12.2024. He contends that if the respondents were dissatisfied with that order, their remedy lay in pursuing appropriate legal recourse, which they did pursue, but without the earlier dismissal order being interfered with.

4. Be that as it may, we find that while this Court did not interfere with the order dated 21.12.2024, it simultaneously granted the respondent limited liberty i.e. opening a window to re-approach the learned Commercial Court. In that view of the matter, it is not necessary to tread on the path of determining the legality or maintainability of the second application. Moreso, in light of learned counsel for the appellant candidly submitting that he has no objection to the second application, provided relief is confined strictly to the prayer made therein.

5. For ready reference, the prayer in the second Section 9 application filed by the respondents is reproduced below:

"1. To kindly take the present Application under Section 9 of the Arbitration and Conciliation Act, 1996 on record and allow it in favour of the Applicant;
2. To direct Respondent No.2, i.e., IDBI Bank, to un-freeze Current Account No.0298102000024523 and Bank Account No.0298651100001588 in the name of M/s Millenium Cargo Movers LLP (Applicant No.2) to the extent of adjustment/settlement of the loan and

other expenses taken by M/s Millenium Cargo Movers LLP (Applicant No.2);

3. To direct Respondent No.2, i.e., IDBI Bank, to un-freeze Current Account No.0298102000024523 and Bank Account No.0298651100001588 in the name of M/s Millenium Cargo Movers LLP so as to enable Applicant No.2 to carry out statutory compliances, including those under the GST Act and the Income Tax Act;

4. To pass any other order this Hon'ble Court deems appropriate in the interest of justice."

6. In view of the aforesaid submission of learned counsel for the appellant qua no objection to the relief being confined to the prayer, *ibid*, we deem it appropriate to modify the impugned order dated 16.10.2025 passed by the learned Commercial Court No.1, Jaipur Metropolitan-II, as below:

"Respondent No.2-IDBI Bank shall unfreeze Current Account No.0298102000024523 and Bank Account No.0298651100001588 only to the extent of the adjustment/settlement of the loan and other expenses incurred by M/s Millenium Cargo Movers LLP, as stated in the application.

Furthermore, the unfreezing shall also be confined to enabling the firm to carry out its statutory compliances, including the payment of GST and Income Tax, in terms of prayer clause No.3 of the prayer."

7. With the aforesaid modification, the instant appeal stands disposed of.

8. All pending applications also stand disposed of.

(SANDEEP TANEJA),J

(ARUN MONGA),J